

MENKEN SIMPSON & ROZGER LLP

80 PINE STREET, 33RD FLOOR  
NEW YORK, NEW YORK 10005

TELEPHONE: (212) 509-1616

FACSIMILE: (212) 509-8088

WWW.NYEMPLOYEEELAW.COM

BRUCE E. MENKEN  
SCOTT SIMPSON  
JASON J. ROZGER <sup>Δ</sup>  
BRENNAN RABINOWITZ  
RAYA F. SAKSOUK

<sup>Δ</sup> ALSO ADMITTED NJ

ALAN SERRINS  
OF COUNSEL

May 1, 2023

**Via ECF**

Hon. Lee G. Dunst, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Agudelo v. Recovco Mortgage Management LLC et al.*, No. 22 Civ. 4004  
Request for Additional Pages

Dear Judge Dunst:

The parties write jointly pursuant to the Court's Order of April 26, 2023, to provide additional detail in support of Plaintiffs' request to file a brief of no more than 40 pages in support of Plaintiffs' Motion for Preliminary Approval.

Plaintiffs' brief provides a detailed explanation in support of the Settlement Agreement which is intended to settle four related class actions at once – the above-captioned matter plus three related class actions currently proceeding in California state Court. Plaintiffs in the instant proceeding are currently operating jointly with all five law firms involved in the California class actions. These four class actions not only encompass a wide variety of wage-related claims under both the FLSA as well as California and New York state law, they concern claims under California state law that pre-date the claims in the lawsuit that originated in this Court.

The Motion for Preliminary Approval also seeks conditional certification of a class action pursuant to Fed. R. Civ. P. 23(b)(3) and a collective action under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). This requires a substantive discussion of why the proposed class and several subclasses meet all requirements for certification in this case which, absent settlement of this matter, would be its own full-length motion.

Additionally, the Plaintiffs' brief in support of the motion requires a discussion of Defendants' compromised financial status and the due diligence conducted by Plaintiffs' counsel in concluding that the proposed settlement is in the best interest of all the putative class members.

Finally, all parties, including Plaintiffs in the three California class actions, will be consenting to the proposed motions. However, the parties would like to clarify that the parties are still discussing whether all involved will consent to submitting this matter to your Honor.

Respectfully submitted,

/s/ Scott Simpson  
Scott Simpson

cc: All counsel (by ECF)